

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LORRAINE HOLMES,

Plaintiff,

v.

Case No. 2:16-cv-10610

Judge Denise Page Hood

Magistrate Judge Anthony P. Patti

CITY OF ROMULUS and
DAVID BROOKS,

Defendants.

ORDER DENYING MOTION TO QUASH SUBPOENA (DE 46)

On or about September 1, 2017, Plaintiff issued a subpoena to Tim Fifer of Fifer Investigations to produce documents and appear for a deposition. (DE 46-3.) Currently before the Court is Defendants City of Romulus and David Brooks' September 7, 2017 motion to quash subpoena, Plaintiff's response, and Defendants' reply. (DEs 46, 47, 50).

Chief Judge Hood referred this motion to me on September 14, 2017 (DE 48), and a hearing was originally noticed for October 10, 2017. (DE 49). At the parties' request, the hearing was re-noticed for November 21, 2017. (DE 51.) On the date set for hearing, attorneys Ronnie E. Cromer, Jr. and Laurel F. McGiffert appeared in my courtroom, and the Court entertained oral argument.

Upon consideration of the motion papers and oral argument of counsel, and for all of the reasons stated on the record, which are herein incorporated by reference, Defendants' motion to quash (DE 46) is **DENIED**. In sum, Plaintiff may seek from Timothy Fifer, subject to an appropriate protective order, documents and deposition testimony that relates, refers and/or pertains to the Defendant City of Romulus's background investigation regarding and/or decision to hire Defendant David Brooks. Defendants may redact any personal and/or private information relating to Defendant David Brooks, such as addresses, telephone and social security numbers, family member names or addresses, and personal financial and/or credit information, subject to production of a privilege log.

Further, as directed by the Court:

- (1) Defendants will provide an affidavit by Captain Joshua Monte, or another appropriate affiant, explaining why the City of Romulus does not have the attachments referenced in Timothy Fifer's investigative report regarding David Brooks, where those attachments might be found, and the process used to review the investigative report and attachments regarding David Brooks;
- (2) The parties will use their best efforts forthwith to draft a stipulated protective order governing the documents and information sought in

the subpoena, and submit that stipulated protective order to the Court.

If the parties cannot agree on a protective order, they are directed to contact my chambers for a conference call to discuss any disputed issues. If an agreement cannot be reached at that time, the parties will be directed to submit their proposed orders to the Court and it will enter an appropriate order; and

(3) No costs are awarded, for the reasons stated on the record.

IT IS SO ORDERED.

Dated: November 21, 2017

s/Anthony P. Patti

Anthony P. Patti

UNITED STATES MAGISTRATE JUDGE

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on November 21, 2017, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the

Honorable Anthony P. Patti